

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

February 22, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Mayor Valdivia on February 22, 2005, at 6:05 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

ABSENT: None.

STAFF PRESENT: Police Chief Jeff Miller, Interim Public Works Director Steve Wittry, Associate Civil Engineer David Rubcic, Associate Civil Engineer Matt Atteberry, Airport Manager Bill Gere, Fire Chief Bill Garringer, Community Services Director Clay Lee, Administrative Services Director Robert Galvan, Interim Development Services Director Bill Avera, Redevelopment Program Coordinator Bryan Briggs, and Code Enforcement Officer Mike Chambless.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of February 22, 2005, was posted on the bulletin board at City Hall on February 17, 2005, at 3:15 p.m. per Government Code Section 54954.2.

STUDY SESSION:

The City Council discussed items A2, C1, and D1.

CLOSED SESSION AGENDA:

A. Public comment for Closed Session agenda.

None.

B. Mayor Valdivia announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (2 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
 - d. Borges et al v. Hollister, Case Number CV030139
 - e. City of Hollister v. Albert Rodriguez, et al., Case Number CU-04-00076
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
5. Personnel - City Manager Evaluation and Contract.

Council Member Emerson moved to recess to Closed Session at 6:54 p.m. Motion seconded by Council Member Johnson and carried by a unanimous vote.

The City Council reconvened at 7:17 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson

ABSENT: None.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of February 22, 2005, was posted on the bulletin board at City Hall on February 17, 2005, at 3:15 p.m. per Government Code Section 54954.2.

CLOSED SESSION:

City Attorney Cass announced that the City Council of the City of Hollister had discussed the following in Closed Session:

1. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a) -
 - (a) City of Hollister v. Albert Rodriguez, et al., Case Number CU-04-00076
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) -
 - (a) 1 potential case was discuss

A. CONSENT RESOLUTION (February 22, 2005):

1. Minutes of Regular Meeting of February 7, 2005.
 - (a) Approved the Minutes of the Regular Meeting of February 7, 2005, as submitted.
2. Warrant Registers.

- (a) Received transmittals, Warrant Register, from Administrative Services Director Galvan.
 - (b) Ratified and approved the Warrant Registers:
 - dated February 3, 2005, in the amount of \$73,587.10
 - dated February 10, 2005, in the amount of \$556,714.40
- 3. Resolution No. 2005-23, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING CITY COUNCIL POLICIES, RULES, AND PROCEDURES RELATING TO REGULAR COUNCIL MEETINGS.
 - (a) Received transmittal dated February 10, 2005, A Resolution of the City Council of the City of Hollister Amending City Council Policies, Rules and procedures Relating to Regular Council Meetings, from City Attorney Cass.
 - (b) Adopted Resolution No. 2005-23, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING CITY COUNCIL POLICIES, RULES, AND PROCEDURES RELATING TO REGULAR COUNCIL MEETINGS.

Council Member Emerson moved to adopt the Consent Resolution (February 22, 2005) as stated above. Motion seconded by Council Member Scattini and carried by a unanimous vote.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

- 1. Public Input.
 - (a) David Fowler, Hollister, CA addressed the City Council opposing the proposed casino as public services will be impacted.
 - (b) David Nicolaysen, Hollister, CA also opposes the proposed casino. He believes the City Council should take a position against it as it is not a solution to Hollister's problems. He supports businesses that are fair to the City and the community.
 - (c) Brent Hawks, Hollister, CA opposes the casino but encouraged the City Council to learn as much as possible but wondered why the City Council has been so silent.
 - (d) Leif Nordstrom, Hollister, CA opposes the casino and urged the City Council to look at other opportunities for jobs.
 - (e) Arn Kratzer, Hollister, CA opposes the casino and believes that the community needs economic benefits to the City but without "baggage."
 - (f) Mike Walters, Hollister, CA opposes the casino but has found it to be

a stimulating topic. He reviewed State Proposition 1A and encouraged the City Council to study all of the facts and how other communities have been impacted when casinos in their neighborhoods were built. Mr. Walters stated there is no mitigation to take away crime.

- (g) Ruth Erickson, Hollister, CA stated there are Indian casinos all over the Bay Area and she believes that all cities and counties should stand together to oppose the casinos instead of doing it individually. Mrs. Erickson understands there are a couple of pieces of legislation to impose a moratorium on Indian casinos.
- (h) Henry Sumaya, Hollister, CA informed the City Council that the Police Department has been harassing people in the Hispanic community and the officers need training.
- (i) Steve Merrell, Hollister, CA is chairman of the group Casinos Represent A Poor Solution (CRAPS) and encouraged the City Council to learn all of the facts. He believes that casinos do not increase the employment level. He reminded everyone that the San Benito County Board of Supervisors voted to oppose a casino.
- (j) Stephen DuBravac, Hollister, CA is against the casino as it is a poor solution to creating jobs. He has not seen statistics from the casino proponents.
- (k) Gary Ramos, San Jose, CA supports the casino and encouraged the casino people to put their ideas in writing. He suggested that the City Council look, listen, and then make a decision and mitigate with the casino.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

1. Resolution No. 2005-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING RATES AND CHARGES FOR WATER SERVICES AND FACILITIES AND ESTABLISHING BILLING AND COLLECTION PROCEDURES IN CONNECTION THEREWITH.
 - (a) Received transmittal dated February 16, 2005, A Resolution of the City Council of the City of Hollister Adopting Rates and Charges for Water Services and Facilities and Establishing Billing and Collection Procedures in Connection Therewith, from City Manager Quilter.
 - (b) This being the time and place as advertised, the Public Hearing was opened at 7:48 p.m.
 - (c) City Council discussion.
 - (d) Council Member Emerson moved to adopt Resolution No. 2005-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

HOLLISTER ADOPTING RATES AND CHARGES FOR WATER SERVICES AND FACILITIES AND ESTABLISHING BILLING AND COLLECTION PROCEDURES IN CONNECTION THEREWITH. Motion seconded by Council Member Johnson and carried by a unanimous vote.

- (a) There being no speakers for or against the matter, the Public Hearing was closed at 7:53 p.m.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

- 2. Read by Title Only and Introduce Ordinance No. 995, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE SECTION 2.04.010 RELATING TO TIME OF MEETING.
 - (a) Received transmittal dated February 10, 2005, An Ordinance of the City Council of the City of Hollister Amending Municipal Code Section 2.04.010 Relating to Time of Meetings, from City Attorney Cass.
 - (b) Council Member Scattini moved to read by title only and introduce Ordinance No. 995, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE SECTION 2.04.010 RELATING TO TIME OF MEETING. Motion seconded by Council Member Emerson and carried by a unanimous vote.
 - (c) City Attorney Cass read by title only Ordinance No. 995.
- 3. Resolution No. 2005-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH BELLINGER FOSTER STEINMETZ, LANDSCAPE ARCHITECTS FOR THE SOUTHEAST NEIGHBORHOOD PARK, CIP NO. 2334.
 - (a) Received transmittal dated February 9, 2005, A Resolution of the City Council of the City of Hollister Approving Amendment No. 1 to the Professional Services Contract with Bellinger Foster Steinmetz, landscape Architects, from Associate Civil Engineer Rubcic.
 - (b) Council Member Emerson moved to adopt Resolution No. 2005-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH BELLINGER FOSTER STEINMETZ, LANDSCAPE ARCHITECTS FOR THE SOUTHEAST NEIGHBORHOOD PARK, CIP NO. 2334. Motion seconded by Council Member Pike and carried by a unanimous vote.

1. Read by Title Only and Adopt Ordinance No. 994, AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING CHAPTER 10.12 OF THE HOLLISTER MUNICIPAL CODE RELATING TO SPEED LIMITS ON CITY STREETS.
 - (a) Received transmittal dated February 10, 2005, An Ordinance of the City of Hollister Amending Section 10.12.10 of Chapter 10.12 Speed Limits of the Hollister Municipal Code to Establish Posted Speed Limits on City Streets, from Assistant Engineer Atteberry.
 - (b) Council Member Scattini moved to read by title only and adopt Ordinance No. 994, AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING CHAPTER 10.12 OF THE HOLLISTER MUNICIPAL CODE RELATING TO SPEED LIMITS ON CITY STREETS except for the speed limit on Memorial. Motion died for lack of a second.
 - (c) Council Member Emerson moved to read by title only and adopt Ordinance No. 994, AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING CHAPTER 10.12 OF THE HOLLISTER MUNICIPAL CODE RELATING TO SPEED LIMITS ON CITY STREETS. Motion seconded by Council Member Johnson. Roll call vote: Council Member Pike, Yes; Council Member Emerson, Yes, Council Member Scattini, No; Council Member Johnson, Yes, and Mayor Valdivia, Yes. Council Member Scattini voted No because he did not agree with raising the speed limit on Memorial to 40 mph from 35 mph due to several phone calls he received.
 - (c) City Attorney Cass read by title only Ordinance No. 994.
4. Resolution No. 2005-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT FOR BUILDING MAINTENANCE SERVICES WITH CLEANING SERVICES.
 - (a) Received transmittal dated February 9, 2005, Award Contract for Building Maintenance Services, from Associate Civil Engineer Rubcic.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT FOR BUILDING MAINTENANCE SERVICES WITH CLEANING SERVICES. Motion seconded by Council Member Pike and carried by a unanimous vote.
5. Resolution No. 2005-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH AEROMETRIC SURVEYS.

- (a) Received transmittal dated February 10, 2005, A Resolution of the City Council of the City of Hollister approving the professional services contract for topographic mapping of the Pavement Overlay and Road Reconstruction 2005 Project, CIP 2404 with Aerometric Surveys, from Assistant Civil Engineer Kelley.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH AEROMETRIC SURVEYS. Motion seconded by Council Member Emerson and carried by a unanimous vote.
- 6. Resolution No. 2005-28, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING APPROPRIATION OF FUND 304 FOR THE SUNNYSLOPE & FAIRVIEW INTERSECTION SIGNALIZATION PROJECT, CIP 2402.
 - (a) Received transmittal dated February 9, 2005, A Resolution of the City Council of the City of Hollister Authorizing Appropriations for the "Sunnyslope and Fairview Signalization Project", CIP 2402, from Deputy Public Works Director Wittry.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-28, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING APPROPRIATION OF FUND 304 FOR THE SUNNYSLOPE & FAIRVIEW INTERSECTION SIGNALIZATION PROJECT, CIP 2402. Motion seconded by Council Member Emerson and carried by a unanimous vote.
- 7. Resolution No. 2005-29, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE INSTALLATION OF PERMANENT SPEED HUMPS ON CLEARVIEW DRIVE BETWEEN HILLCREST ROAD AND MERIDIAN STREET.
 - (a) Received transmittal dated February 7, 2005, A Resolution of the City of Hollister Authorizing the Installation of Permanent Asphalt Speed Humps as a Traffic Calming Measure for Clearview Drive (Hillcrest Road to Meridian Street), from Assistant Civil Engineer Atteberry.
 - (b) Laurette Chandler, Hollister, CA expressed her Thank You to the City Council for improving the quality of life in her neighborhood. The speed humps have been a major improvement. Mrs. Chandler explained that she has lived in her house for 17 years and now the neighborhood is back to the way it was when she bought her home.
 - (c) Council Member Scattini moved to adopt Resolution No. 2005-29, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

HOLLISTER APPROVING THE INSTALLATION OF PERMANENT SPEED HUMPS ON CLEARVIEW DRIVE BETWEEN HILLCREST ROAD AND MERIDIAN STREET. Motion seconded by Council Member Pike and carried by a unanimous vote.

8. Resolution No. 2005-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A LEASE AGREEMENT WITH MARK GREEN FOR THE DING-A-LING CAFÉ AT THE HOLLISTER MUNICIPAL AIRPORT.
 - (a) Received transmittal dated February 14, 2005, A Resolution of the City Council of the City of Hollister Approving a Lease Agreement with Mark Green for the Ding-A-Ling Café, from City Attorney Cass.
 - (b) Council Member Scattini moved to continue this item to the March 7 agenda and Closed Session. Motion seconded by Council Member Emerson and carried by a unanimous vote.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Receive report on Neighborhood Traffic Management Program.
 - (a) Received transmittal dated February 10, 2005, An informational report regarding the City of Hollister Neighborhood Traffic Management Program, from Associate Civil Engineer Atteberry.
 - (b) Received oral presentation on the Neighborhood Traffic Management Program from Associate Civil Engineer Atteberry.
 - (b) Information only; no City Council action taken.
2. Hollister Gang Task Force Advisory Board Report to the City Council.
 - (a) Received transmittal dated February 14, 2005, Hollister Gang Task Force Advisory Board Report to City Council, from Chief of Police Miller.
 - (b) Received oral comments from Gang Task Force Member Duane Cashion. All of the Members believe that to overcome the gang problem in our community, the entire community needs to remain active. They will have two more community meetings, dates to be determined.
 - (c) Information only; no City Council action taken.
 - (d) Council Member Johnson and Mayor Valdivia each thanked everyone who is involved and who attended the meeting.

3. Ratify Mayoral Appointments to the Administrative Hearing Board.
 - (a) Received transmittal dated January 26, 2005, Ratify Mayoral Appointments to the Administrative Hearing Board, from City Clerk Johnson.
 - (b) Mayor Valdivia appointed Gordon Machado, Charles Scott, and Harry Hill III. Council Member Scattini moved to ratify the Mayoral appointments to the Administrative Hearing Board. Motion seconded by Council Member Pike and carried by a unanimous vote.
4. Receive report regarding water and wastewater issues.
 - (a) Received oral report from City Manager Quilter.
 - (b) Information only; no City Council action taken.
5. Reports from City Council, City Manager, City Attorney, and Staff.
 - (a) Mayor Valdivia, District 3 addressed the audience regarding the proposed casino and that the City Council can not make a decision until all of the information is available. The City needs to look at the pros and cons and if it will benefit the community or not. Mrs. Valdivia suggested that at the next City Council meeting she would like to appoint a committee to start the process for the City Council to make a stand.
 - (b) City Manager Quilter - announced that he will have Maria set up meetings for the Intergovernmental Committee and a meeting with the advocates of the homeless. The Mid-Year Budget review will be held on February 28 and the City Council Retreat will be held on March 5.

Mr. Quilter congratulated the San Benito High School basketball teams (boys and girls) for a successful season. Both teams are headed to the play-offs; the girls play Fremont tomorrow night in Hollister and the boys play Milpitas Thursday night in Hollister.
 - (c) City Attorney Cass - nothing to report.
 - (c) City Clerk Johnson - nothing to report.
 - (d) City Council Member Pike, District 1 - spoke to people regarding alleys; received calls regarding the speed limit on Fourth Street; received calls regarding the garbage collection being the same time as the morning commute on Fourth Street; received calls regarding the proposed casino; attended the public forum on the casino, will continue to educate himself on any issue; the grand opening of Fire Station 2 will be held on Wednesday at 1:30 p.m.; moral is high at the Fire Department and they are all excited about the new station; and Chief Garringer is to be commended for a job well done.

- (e) City Council Member Emerson, District 4 - attended an AMBAG meeting; Monterey businessmen have started a housing trust which might be a good thing for the City to look into; was in Arizona last week and toured the planned community of Verrado which has the concept of community; has spoken to many in District 4 and the majority of the people do not want a casino; it is a good idea to agendize the proposed casino for discussion and appointment of a committee; the proposed casino needs a business plan; and he would like to see the statistics for communities that have casinos.
- (f) City Council Member Johnson, District 5 - attended the Fire Task Force meeting; the City is in a good position for fire protection and the County is not; as a Hollister resident, she wants the Hollister Fire Department to cover the City, not the County; she thanked all the Department Heads for meeting with her; she has not received calls regarding the proposed casino but knows from talking to people that they are pretty split on the issue; and she would like to see the proposed casino on the ballot.
- (g) City Council Member Scattini, District 2 - thanked Chief Miller for hiring Officer Shannon Moretti; agrees with Mayor Valdivia on the proposed casino; and also congratulated both basketball teams from San Benito High School as he also graduated from the school.

F. UNFINISHED BUSINESS:

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of February 22, 2005, was adjourned at 9:23 p.m. by motion of Council Member Emerson. Motion seconded by Council Member Johnson and carried by a unanimous vote.

City Council Regular Meeting
February 22, 2005
Respectfully submitted,

Geri Johnson, CMC
City Clerk